

REMARKS

The Applicant appreciates the Examiner's careful examination of this case. Reconsideration and re-examination are respectfully requested in view of the instant remarks.

In response to the objections on page 2 of the Office Action, headings have been inserted as requested by the Examiner.

On page 3 of the Office Action, the Examiner rejected claims 1 - 13 as being anticipated by Dessouroux and White. In view of this objection, claims 1 - 13 have been cancelled and they have been replaced by new claims 14 - 25.

New claim 14 is a combination of original claims 1 and 2, plus extra features. New claims 15 - 25 correspond to original claims 3 - 13.

Dessouroux has three different embodiments of the invention. Figures 8 and 12 best show the first embodiment. Figures 22 and 26 best show the second embodiment. Figures 38 and 40 best show the third embodiment. It is clear that Dessouroux is concerned with providing a nut locking mechanism, and not with a visual indicator means. It is agreed that the Dessouroux nut locking means could also be a visual indicator means. However the Dessouroux nut locking means does not operate firstly automatically consequently upon the nut becoming unintentionally loose, and secondly it does not operate without a requirement for a tool for tightening and loosening the nut to be placed over the nut. These two features have been inserted into the Applicant's new claim 14. Dessouroux is not concerned with unintentional loosening. When the Dessouroux locking device has been operated by placing the Dessouroux tool 22, 44, 56 over the nut, it is clear that the Dessouroux device cannot prevent any further loosening of the nut. In view of this, the Applicant's new claim 14 has been further restricted to specify that the Applicant's indicator member is such that when it is in the recess it prevents further unintentional loosening of the nut on the threaded member. Basically, as the Examiner will appreciate, Dessouroux is for an entirely different purpose and it is believed that the Applicant's new claim 14 now makes it clear that the Applicant's fastener device is different in purpose and structure to the Dessouroux device.

The White patent also relied upon by the Examiner operates in a similar manner to Dessouroux. It can be seen from Figures 1, 2 and 4 that a tool is required to be placed over the nut 1 in order to depress the side part 4 of the device on the nut, and in order to pivotally raise the

locking bar 2 out of the transverse slot across the top of the nut. In White, similarly as in Dessouroux, there is no question of the White biasing means 8 firstly operating automatically consequent upon the White nut 1 becoming unintentionally loose, and secondly operating without a requirement for a tool like the White tool 10 for tightening and loosening the nut to be placed over the nut. The Applicant's indicator member is in an indicating position when it is the recess. In this position, the indicator member prevents further unintentional loosening of the nut on the recess. Any indication in White, would be when the locking bar 2 was out of the recess in the nut, so that it would then not be able to prevent further unintentional loosening of the nut on the threaded member 3. In fact, White, as with Dessouroux, is not concerned with unintentional loosening of the nut. White requires the use of the tool 10.

The Broomfield and Noster patents referred to by the Examiner on page 3 of the Office Action but not relied upon have been carefully considered. They are not believed to affect the above submissions, nor the allowability of the new claims.

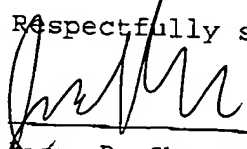
The Applicant relies for patentability of new claims 15 - 25 on the fact that these claims include all of the features of new claim 14, which claim 14 is believed to be allowable for the above reasons.

In accordance with the Applicant's duty to disclose all known prior art, it is mentioned that the basic International Patent Application No. PCT/GB99/03354 on which the present application claims priority mentions four prior patents, namely US-A-4,293,257, US-A-4,293,256, DE-3,107,917 and DE-4,340,504. These patents have also been carefully considered and they are not believed to affect the allowability of the above submissions, nor the new claims 14 - 25.

Accordingly, it is respectfully submitted that this application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this RESPONSE is found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with Counsel would help advance prosecution, please telephone the undersigned or one of his associates, collect in Waltham, Massachusetts, (781) 890-5678.

Respectfully submitted,


Jason D. Shanske
Reg. No. 43,915